

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2836 – HB 3365

February 22, 2012

**SUMMARY OF BILL:** Creates a Class A misdemeanor offense of knowingly preventing or interfering with an individual's ability to place an emergency telephone call or to request assistance in an emergency from law enforcement, a medical facility, or other safety entity. Creates a Class A misdemeanor offense of recklessly rendering unusable a telephone that would otherwise be used by an individual to place such an emergency telephone call. Creates a Class E felony for second and subsequent offenses.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$5,700/Incarceration\***

Assumptions:

- According to the Tennessee Emergency Communications Board, the Board will have no role in enforcement or prosecution of this bill.
- There will not be a sufficient number of prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- The estimate assumes one person every five years will receive a Class E felony rather than a misdemeanor conviction as a repeat offender.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one Class E offender every five years.
- According to DOC, the average operating cost per offender per day for calendar year 2012 is \$61.36. The average post-conviction time served for a Class E felony is 1.28 years (467.52 days) at a cost of \$28,687.03 (\$61.36 x 467.52 days). The annualized cost per year is \$5,737.41 (0.20 annual number of convictions x \$28,687.03)

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/sbh